REMARKS

I. Introduction

Pending claims 1-10 have been examined and are rejected. Specifically:

- claims 1-5 and 10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the publication "Using the SNAP Development Environment" by Template Software (hereinafter "the SNAP publication"), in view of newly applied U.S. Patent No. 6,173,438 to Kodosky et al. (hereinafter "Kodosky");
- claims 6, 8 and 9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the SNAP publication and Kodosky, as applied to claim 5, and further in view of U.S. Patent No. 5,907,705 to Carter (hereinafter "Carter"); and
- claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of the SNAP publication, Kodosky and Carter, as applied to claim 6, and further in view of the publication "Linkers & Loaders" by Levine (hereinafter "the LL publication").

As an initial matter, Applicant amends claims 1-10 to further clarify the features recited therein. Additionally, Applicant adds new claims 11-13.

It is respectfully submitted that claims 1-13 are allowable over the art of record for at least the reasons set forth herein.

II. Claims 1-5 And 10 Are Patentable Over The Proposed Combination Of The SNAP Publication In View Of Kodosky

As noted above, claims 1-5 and 10 stand rejected under § 103(a) as allegedly being unpatentable over the SNAP publication in view of Kodosky.

Claim 1 recites, *inter alia*, "a group of program generation tools to generate programs for each of a plurality of devices forming part of a control system that controls a group of external machines." The Examiner alleges that the SNAP publication discloses the recited group of program generation tools by describing an object model editor toolbox (Office Action: page 4). To the contrary, the object model editor tools disclosed in the SNAP publication (*see, e.g.*, Table 3-7) do not correspond to the recited program generation tools.

In the SNAP publication, an object model editor allows a user to create and edit the classes that make up an application's object model (*see* the SNAP publication, page 3-7). The object model editor includes a set of "tools" that facilitate the creation of the object model (*see* the SNAP publication, page 3-11). An object model, however, is not a program. Thus, these object model editor tools do not themselves generate programs, let alone "programs for each of a plurality of devices forming part of a control system that controls a group of external machines," as recited in the claim.

Furthermore, claim 1 recites, "a data sharing unit adapted to interface with said group of program generation tools to share a variable name and attribute data definitions corresponding to an object of each of said plurality of devices." As noted above, the object model editor tools do not correspond to the recited program generation tools. Likewise, the object model editor

workspace (which is an area on a display in which the user designs the object model) does not correspond to the recited data sharing unit, since the workspace does not interface with a group of program generation tools that "generate programs for each of a plurality of devices forming part of a control system that controls a group of external machines," as recited in the claim.

Additionally, the class symbols (and different graphic indicators displayed therein) of the SNAP publication do not correspond to the recited variable name and attribute data definitions, as recited in the claim. The class symbols represent a programming language class (*i.e.*, data abstraction). The SNAP publication fails to teach or suggest that the class symbols correspond to an object that is shared among a group of program generation tools or that the object corresponds to a device forming part of a control system that controls a group of external machines, as recited in the claim.

Further still, claim 1 requires that "the objects are shared by said program generation tools for generating the programs." The SNAP publication fails to teach or suggest that objects are shared among a plurality of program generation tools, let alone program generation tools that generate "programs for each of a plurality of devices forming part of a control system that controls a group of external machines," as recited in the claim.

Additionally, the Examiner acknowledges that the SNAP publication fails to teach or suggest devices forming part of a control system "that controls a group of external machines," as recited in the claim. Instead, the Examiner alleges that Kodosky makes up for this acknowledged deficiency of the SNAP publication.

To the contrary, Kodosky relates to a graphical programming system for generating an embedded application in response to a graphical program created by a user (*see* Kodosky: col. 3, lines 65-67). In Kodosky, a host computer 102 connects through one or more instruments to analyze, measure or control a unit under test 130 (Kodosky: col. 7, lines 47-54; and Fig. 1). The instruments or devices are controlled by graphical software programs, which perform data acquisition, analysis and/or presentation (Kodosky: col. 9, lines 46-53).

Kodosky fails to teach or suggest an object including a variable name and attribute data definition for each of the instruments/devices, let alone "a data sharing unit adapted to interface with said group of program generation tools to share a variable name and attribute data definitions corresponding to an object of each of said plurality of devices," as recited in the claim.

Additionally, the Examiner is reminded that he carries the initial burden of establishing a *prima facie* case of obviousness (MPEP § 2142). In establishing a *prima facie* case of obviousness, the requisite teaching or suggestion to make the asserted combination must be found in the prior art, and not in Applicant's disclosure (MPEP § 2143).

In view of the above, it is respectfully submitted that claim 1 is not rendered obvious by the proposed combination of the SNAP publication in view of Kodosky. Consequently, claims 2-4 are patentable over the SNAP publication in view of Kodosky at least by virtue of their dependency.

Claims 5 and 10 recite features similar to those found in claim 1 and, thus, claims 5 and 10 are patentable over the SNAP publication in view of Kodosky based on a rationale analogous to that set forth above for claim 1.

Furthermore, claim 10 recites, *inter alia*, "notifying each object to a program generation tool for the specified device that will use the object." The Examiner alleges that this feature is inherent in view of the SNAP publication. Applicant respectfully disagrees. The SNAP publication files to teach or suggest notifying objects of devices to corresponding program generation tools for the specified device that will use the object.

III. Claims 6, 8 And 9 Are Patentable Over The Proposed Combination Of The SNAP Publication In View Of Kodosky, And Further In View Of Carter

As noted above, claims 6, 8 and 9 stand rejected under § 103(a) as allegedly being unpatentable over the SNAP publication in view of Kodosky, and further in view of Carter.

It is respectfully submitted that Carter fails to make up for the exemplary deficiencies of the SNAP publication and Kodosky, as set forth above for claim 5. Thus, claims 6, 8 and 9 are not rendered obvious by the proposed combination of the SNAP publication in view of Kodosky, and further in view of Carter, at least by virtue of their dependency.

IV. Claim 7 Is Patentable Over The Proposed Combination Of The SNAP Publication, Kodosky And Carter, And Further In View Of The LL Publication

As noted above, claim 7 stands rejected under § 103(a) as allegedly being unpatentable over the SNAP publication, Kodosky and Carter, and further in view of the LL publication.

It is respectfully submitted that the LL publication fails to make up for the exemplary deficiencies of the SNAP publication, Kodosky and Carter, as set forth above for claims 5 and 6. Thus, claim 7 is not rendered obvious by the proposed combination of the SNAP publication, Kodosky and Carter, and further in view of the LL publication, at least by virtue of its dependency.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Billy Carter Raulerson

Billy Carter Raulerson
Registration No. 52,156

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
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